

## **REMARKS**

Applicants have carefully reviewed the Final Office Action dated November 1, 2006. Applicants respectfully traverse all objections, rejections, and assertions made by the Examiner. With this amendment, claims 4, 7, 15, and 18 are amended. No new matter is added. Please cancel claims 1-3, 5-6, 8-14, 16-17, and 19-24 without prejudice. Claims 4, 7, 15, and 18 remain pending.

Claims 1-3, 5, 12-14, 16, 23, and 24 are rejected under 35 U.S.C. §102(b) as being anticipated by Lary in U.S. Patent No. 6,306,151. Without conceding the merits of the rejection, please note that claims 1-3, 5, 12-14, 16, 23, and 24 are now cancelled without prejudice, rendering the rejection moot. Applicants reserve the right to pursue these claims or claims of a similar scope in the future.

Claim 12 is rejected under 35 U.S.C. §102(b) as being anticipated by Vigil et al. in U.S. Patent No. 5,336,234. As indicated above, claim 12 is now cancelled, rendering the rejection moot.

Claims 1 and 24 are rejected under 35 U.S.C. §102(b) as being anticipated by Vigil et al. in U.S. Patent No. 5,320,634. As indicated above, claims 1 and 24 are now cancelled, rendering the rejection moot.

Claims 20-22 are rejected under 35 U.S.C. §102(b) as being anticipated by Barath in U.S. Patent No. 5,797,935. Without conceding the merits of the rejection, please note that claims 20-22 are now cancelled without prejudice, rendering the rejection moot. Applicants reserve the right to pursue these claims or claims of a similar scope in the future.

Claims 9-11 and 20-22 are rejected under 35 U.S.C. §102(b) as being anticipated by Barath in U.S. Patent No. 5,616,149. Without conceding the merits of the rejection, please note

that claims 9-11 are now cancelled without prejudice, rendering the rejection of these claims moot. Applicants reserve the right to pursue these claims or claims of a similar scope in the future. Similarly, please note that as indicated above, claims 20-22 are now cancelled rendering the rejection of these claims moot.

Claims 4, 6, 8, 15, 17 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lary in view of Grayzel et al. in U.S. Patent No. 6,942,680. Without conceding the merits of the rejection, please note that claims 6, 8, 17, and 19 are now cancelled without prejudice, rendering the rejection of these claims moot. Applicants reserve the right to pursue these claims or claims of a similar scope in the future.

Regarding claims 4 and 15, each of these claims recites that the undulations curve from side-to-side. The Examiner indicated that Lary teaches all the limitations of these claims except undulations that curve from side-to-side. However, the Examiner stated that Grayzel et al. teach this limitation in Figure 3 and that it would be obvious to combine the teachings of Grayzel et al. with Larry to arrive at the claimed invention. We respectfully disagree.

The Examiner appears to be mischaracterizing the Grayzel et al. reference. For example, the so-called side-to-side “undulations” are part of the circumferentially expandable members 74 and longitudinally expandable members 76 of stent 70 (and not stiffening members 66). The stiffening members 66 do not have any sort of undulations, let alone a side-to-side undulation. Accordingly, Grayzel et al. (even in combination with Lary, if appropriate) do not teach or suggest all the claim limitations. Consequently, claims 4 and 15 are believed to be in condition for allowance.

Claims 6-7 and 17-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lary in view of Bradshaw U.S. Patent No. 6,450,988. As indicated above, please note that claims 6 and 17 are now cancelled, rendering the rejection of these claims moot.

Claim 7 recites that the traction region is defined by a helical region of the cutting members. Similarly, claim 18 recites a helical twist defined in the cutting blade. Both of these claims also recite a balloon and that the cutting members/blade are/is coupled to the balloon. The Examiner indicated that Lary teaches all the limitations of these claims except for the helical region/helical twist. However, the Examiner stated that Bradshaw teaches this limitation in Figures 1, 2, and 4 and that it would be obvious to combine the teachings of Bradshaw with Lary to arrive at the claimed invention. We respectfully disagree.

Bradshaw teaches a helical centering balloon 16 with engagement knobs 30 attached to the balloon 16. While Bradshaw does appear to teach a helical structure, that structure is a balloon and not a cutting member or blade. Therefore, the helical centering balloon 16 cannot meet the claimed cutting members/blades that, themselves, are coupled to a balloon. Similarly, the engagement knobs 30, which are attached to helical centering balloon 16, do not include a helical region or helical twist. Therefore, engagement knobs 30, likewise, cannot meet the claimed cutting members/blade with a helical region/twist. Accordingly, Bradshaw (even in combination with Lary, if appropriate) does not teach or suggest all the claim limitations. Consequently, claims 7 and 18 are believed to be in condition for allowance.

Claims 1-8 and 12-19 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of co-pending U.S. Patent Application No. 10/447,766. Claims 4 and 15 recite a cutting member/blade with undulations that curve side-to-side. While the claims of U.S. Patent Application No. 10/447,766

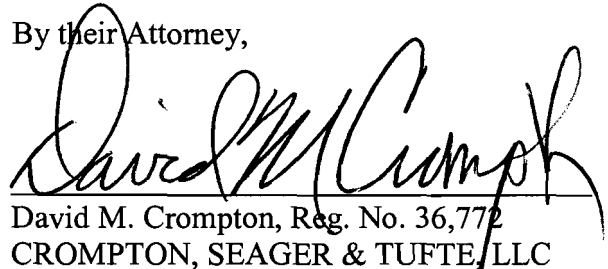
include a recitation of an undulation, the claimed undulations therein are made in reference to the balloon and not to the cutting members. Likewise, U.S. Patent Application No. 10/447,766 does not claim a helical region/twist in a cutting members/blades as recited in claims 7 and 18 of the instant application. Because the claims of U.S. Patent Application No. 10/447,766 can be distinguished from those of the instant application, Applicants respectfully submit that this obviousness-type double patenting rejection is improper and it should be withdrawn in due course.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Karen M. Cheves et al.

By their Attorney,

A handwritten signature in black ink, appearing to read "David M. Crompton", is written over a horizontal line.

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